2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

9 March 2015

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New York, 27 April-22 May 2015

Nuclear testing

Working paper submitted by the Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

1. The Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons reaffirms that the only way to rid the world of the threat or use of nuclear weapons is their total elimination. In that regard, while the Comprehensive Nuclear-Test-Ban Treaty is a practical step for systematic and progressive efforts towards nuclear disarmament as well as non-proliferation in all its aspects, it cannot substitute for the objective of the complete elimination of nuclear weapons.

2. The Group of Non-Aligned States Parties to the Treaty, in accordance with its long-standing and principled position in favour of the total elimination of all forms of nuclear weapons, supports the objectives of the Comprehensive Nuclear-Test-Ban Treaty, which is intended to enforce a comprehensive, irreversible and verifiable ban on all nuclear test explosions and to stop the qualitative development of nuclear weapons in order to pave the way towards their total elimination.

3. The Group of Non-Aligned States Parties to the Treaty, while underlining the significance of achieving the entry into force of the Comprehensive Nuclear-Test-Ban Treaty, strongly calls for immediate and unconditional cessation of all nuclear weapon tests and the closure of all nuclear weapon test sites. In that regard, the Group is of the firm view that all States parties that have not yet done so should close and dismantle, as soon as feasible and in a transparent, irreversible and verifiable manner, any remaining sites for nuclear test explosions and their associated infrastructure, and prohibit completely nuclear weapons research and development, and also refrain from conducting nuclear weapon test explosions or any other nuclear explosions, or nuclear weapon tests in alternative ways, as well as prohibit the use of new technologies for upgrading existing nuclear weapons systems, which would defeat the object and purpose of the Comprehensive Nuclear-Test-Ban Treaty.

4. The Group of Non-Aligned States Parties to the Treaty recalls and reaffirms once again the commitment of all States parties, in particular the nuclear-weapon States, to ending all nuclear weapon test explosions or any other nuclear explosions and thereby constraining the development and qualitative improvement of nuclear

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weapons and ending the development of advanced new types of nuclear weapons. In that regard, the Group expresses grave concern regarding the conducting of nuclear weapon tests in alternative ways and the use of new technologies for upgrading existing nuclear weapons systems, as well as the development of new types of nuclear weapons, which are in contravention of the objectives of the Comprehensive Nuclear-Test-Ban Treaty and would undermine its effectiveness and contradict the commitments undertaken at the Non-Proliferation Treaty Review Conferences by nuclear-weapon States. Accordingly, the Group strongly calls upon the nuclear-weapon States to put an immediate end to such activities and refrain from any other action that would defeat the object and purpose of the Comprehensive Nuclear-Test-Ban Treaty, pending its entry into force.

5. The Group of Non-Aligned States Parties to the Treaty stresses that the improvement of existing nuclear weapons and the development of new types of nuclear weapons violate the commitments undertaken by the nuclear-weapon States at the time of the conclusion of the Comprehensive Nuclear-Test-Ban Treaty. Such actions are incompatible with action 1 of the Final Document of the 2010 Review Conference, in which all States Parties committed to pursue policies that are fully compatible with the Treaty and the objective of achieving a world without nuclear weapons. In that regard, the Group calls on the nuclear-weapon States to end plans to modernize their nuclear weapons arsenal, in compliance with their commitments.

6. The Group of Non-Aligned States Parties to the Treaty stresses the significance of achieving universal adherence to the Comprehensive Nuclear-Test-Ban Treaty, including by all the nuclear-weapon States, which, inter alia, should contribute to the process of nuclear disarmament. The Group reiterates that if the objectives of the Treaty were to be fully realized, the continued commitment of all States signatories, especially the nuclear-weapon States, to nuclear disarmament would be essential.

7. In that context, the Group of Non-Aligned States Parties to the Treaty welcomes the signature of the Comprehensive Nuclear-Test-Ban Treaty by 183 States and its ratification by 163 States, including the recent ratification by Brunei Darussalam, Chad, the Congo, Ghana, Guatemala, Guinea, Guinea-Bissau, Indonesia, Iraq and Niue.

8. The Group of Non-Aligned States Parties to the Treaty expresses its serious concern over the delay in the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty. The Group further believes that the nuclear-weapon States have a special responsibility to ensure the entry into force of the Comprehensive Nuclear-Test-Ban Treaty, not only because they are among the 44 States listed in annex 2 to the Comprehensive Nuclear-Test-Ban Treaty, but also because, owing to their position, they are expected to lead in ratifying it and making the ban on nuclear tests a reality. It will be possible to determine the success of the Comprehensive Nuclear-Test-Ban Treaty only when it has been signed and ratified, in particular by the five nuclear-weapon States and those which have not acceded to the Treaty on the Non-Proliferation of Nuclear Weapons and continue to operate unsafeguarded nuclear facilities.

9. The Group of Non-Aligned States Parties to the Treaty reaffirms that the early ratification of the Comprehensive Nuclear-Test-Ban Treaty by the nuclear-weapon States would pave the way and encourage the remaining required countries, especially those with unsafeguarded nuclear facilities, to sign and ratify the

Comprehensive Nuclear-Test-Ban Treaty. The failure of one major nuclear-weapon State to ratify the Comprehensive Nuclear-Test-Ban Treaty is undermining this important instrument against nuclear testing.

10. The Group of Non-Aligned States Parties to the Treaty recalls the undertaking by the nuclear-weapon States at the time of the negotiation of the Comprehensive Nuclear-Test-Ban Treaty to ensure that it would halt both vertical and horizontal proliferation, thereby preventing the appearance of new types of nuclear devices, as well as nuclear weapons based on new physical principles. The nuclear-weapon States stated at that time that the only steps to be followed would be to maintain the safety and reliability of the remaining or existing weapons, which would not involve nuclear explosions. In that regard, the Group calls upon those States to strictly refrain from conducting any type of nuclear tests for the modernization, development or further improvement of nuclear weapons. The Group wishes to re-emphasize the principles of the non-proliferation regime, both vertically and horizontally.

11. The Group of Non-Aligned States Parties to the Treaty underscores the importance for the five nuclear-weapon States to maintain and observe their commitments to unilateral moratoriums on nuclear weapon tests pending the entry into force of the Comprehensive Nuclear-Test-Ban Treaty. However, the Group believes that those moratoriums do not substitute for the ratification of the Comprehensive Nuclear-Test-Ban Treaty and its entry into force.

12. The Group of Non-Aligned States Parties to the Treaty emphasizes that the modernization or development of new types of nuclear weapons is contrary to the assurances given by the five nuclear-weapon States at the time of the conclusion of the Comprehensive Nuclear-Test-Ban Treaty, namely, that the it would prevent the improvement of existing nuclear weapons and the development of new types of nuclear weapons. Pending its entry into force, States should refrain from any actions contrary to its objectives and purpose. In that context, the Group is seriously concerned by the decision of some nuclear-weapon States to modernize their nuclear weapons. It is the view of the Group that such decisions undermine the validity of the commitment to declared moratoriums as well as the commitments under the Final Document of the 2000 Review Conference, in which the ratification of the Comprehensive Nuclear-Test-Ban Treaty was envisaged as the first of 13 practical steps leading to nuclear disarmament.

13. The Group of Non-Aligned States Parties to the Treaty underlines the need for increased attention to the problems of safety and contamination related to the discontinuation of nuclear operations formerly associated with nuclear weapons programmes, including, where appropriate, the safe resettlement of any displaced human populations and the restoration of economic productivity to affected areas. In that regard, the Group acknowledges the existence of a special responsibility towards the affected people and areas, including those in the former United Nations Non-Self-Governing and Trust Territories who have been adversely affected as a result of the nuclear weapon tests conducted in the past.

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Taking forward nuclear disarmament

Working paper submitted by New Zealand on behalf of the New Agenda Coalition (Brazil, Egypt, Ireland, Mexico, New Zealand and South Africa)

Introduction

1. In 1998, when the New Agenda Coalition was launched, the Foreign Ministers of the Coalition were motivated by the continued threat to humanity represented by the perspective of the indefinite possession of nuclear weapons by the nuclear-weapon States, as well as by those three nuclear-weapons-capable States that have not acceded to the Treaty on the Non-Proliferation of Nuclear Weapons, and the attendant possibility of use or threat of use of nuclear weapons.

2. The New Agenda Coalition continues to reject attempts to assert a right to indefinite possession of nuclear weapons by the nuclear-weapon States or to justify the continued retention of nuclear weapons on security grounds. The New Agenda Coalition also rejects efforts to discredit proposals which seek to accelerate progress on nuclear disarmament as being simplistic, unrealistic or impractical.

3. Such attempts are incompatible with Treaty obligations and therefore harm the integrity and sustainability of the nuclear disarmament and nuclear non-proliferation regime. They are also irreconcilable with the body of evidence now available on the catastrophic humanitarian impact of nuclear weapons, including that presented at the Conferences on the Humanitarian Impact of Nuclear Weapons held in Oslo, in Nayarit, Mexico, and in Vienna. This evidence has made clear that the risks of an accident, human error or system failure involving nuclear weapons are continuing, greater than previously suspected and increasing. It has also highlighted that increasing urban populations and the greater destructive power of nuclear weapons have amplified the potential health and environmental effects of a nuclear weapon detonation and that neither national nor international agencies have adequate capabilities to respond.

4. With the benefit of this increased understanding, and knowing that the only way to guarantee fully against the possibility of a nuclear weapon detonation is through the total elimination of nuclear weapons, States parties bear significantly heightened responsibility to move actively — and now — to meet the nuclear

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disarmament objectives of article VI to the Treaty. States parties must also accelerate implementation of all agreements and undertakings made at successive Review Conferences of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, recognizing that the failure to do so diminishes the credibility of the Treaty.

Recommendations

5. In the pursuit of the full and effective implementation of the agreements reached at the 1995 Review and Extension Conference and the 2000 and 2010 Review Conferences, the New Agenda Coalition reaffirms its positions and recommendations contained in documents NPT/CONF.2015/PC.III/WP.18 (on "effective measures"); NPT/CONF.2015/PC.III/WP.19 (on the humanitarian impact of nuclear weapons); NPT/CONF.2015/PC.III/WP.25, NPT/CONF.2015/PC.II/WP.27 and NPT/CONF.2015/PC.I/WP.29 (on nuclear disarmament); NPT/CONF.2015/PC.II/WP.26 (on transparency); and NPT/CONF.2015/PC.I/WP.30 (on verification) submitted to the Preparatory Committee for the 2015 Review Conference.

6. The New Agenda Coalition seeks reflection on these and the following recommendations in an additional set of measures to build on the commitments made and actions agreed at the 1995, 2000 and 2010 Review Conferences and take forward the aims and purpose of the Treaty on the Non-Proliferation of Nuclear Weapons:

(a) The 2015 Review Conference should express grave concern about the catastrophic humanitarian consequences of a nuclear weapon detonation and recognize the growing awareness among States, international organizations and civil society about these consequences and about the increasing risk of a nuclear weapon detonation;

(b) In the light of broader and deeper understanding of the risk that nuclear weapons might be used or accidentally detonated, and of the catastrophic effects of a detonation on people, societies and the environment, the Conference should urge implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and of all nuclear disarmament commitments and actions made and agreed at previous Review Conferences with a view to achieving and maintaining a world free of nuclear weapons;

(c) The Conference should take note of discussions in dedicated sessions of the subsidiary body in Main Committee I exploring the legal approaches capable of advancing the "effective measures" relating to nuclear disarmament required by article VI, take decisions to advance "effective measures" and call for appropriate follow-up in all disarmament forums as well as in the General Assembly;

(d) The Conference should reiterate that each article of the Treaty on the Non-Proliferation of Nuclear Weapons is binding on States parties at all times and in all circumstances and that all States parties should be held fully accountable with respect to strict compliance with their obligations under the Treaty, and call upon all States parties to comply fully with all decisions, resolutions, undertakings and commitments made at the 1995, 2000 and 2010 Review Conferences;

(e) In light of their unequivocal undertaking given at the 2000 Review Conference and reaffirmed at the 2010 Review Conference, the nuclear-weapon States should commit to accelerating progress towards accomplishing the total

elimination of their nuclear arsenals in an irreversible, transparent and verifiable manner in pursuance of their obligations under article VI of the Treaty on the Non-Proliferation of Nuclear Weapons;

(f) The Conference should re-emphasize the need for all States at all times to comply with applicable international law, including international humanitarian law, and acknowledge that the information acquired since the last Review Conference on the humanitarian consequences of a nuclear weapon detonation has significant implications for the assessment of nuclear weapons under the fundamental rules of international humanitarian law;

(g) The Conference should call upon all States parties to spare no effort to achieve the universality of the Treaty on the Non-Proliferation of Nuclear Weapons and, in that regard, should urge India, Israel and Pakistan, which are not yet parties to the Treaty, to accede to it as non-nuclear-weapon States promptly and without any conditions and, pending their accession, to adhere to its terms and to place all of their nuclear facilities under International Atomic Energy Agency (IAEA) safeguards;

(h) The Conference should urge the Democratic People's Republic of Korea to fulfil its commitments under the Six-Party Talks, including those in the September 2005 Joint Statement, to abandon all nuclear weapons and existing nuclear programmes, to return at an early date to the Treaty on the Non-Proliferation of Nuclear Weapons and to adhere to its IAEA safeguards agreement with a view to achieving the denuclearization of the Korean peninsula in a peaceful manner;

(i) The Conference should urge the nuclear-weapon States to make and report concrete reductions in the role and significance of nuclear weapons in all military and security concepts, doctrines and policies pending their total elimination, and declare a moratorium on upgrading and developing new types of nuclear weapons or developing new missions for nuclear weapons;

(j) The Conference should encourage all States parties that are part of regional alliances that include nuclear-weapon States to reduce the role of nuclear weapons in their collective security doctrines, pending their total elimination, and to report, as a significant transparency and confidence-building measure, on steps taken to this end;

(k) The Conference should urge nuclear-weapon States to decrease the operational readiness of nuclear weapons systems in a verifiable and transparent manner with a view to ensuring that all nuclear weapons are removed from high alert status, and to report to States parties on steps taken to this end;

(l) The Conference should reaffirm that nuclear disarmament and nuclear non-proliferation are mutually reinforcing processes requiring urgent irreversible, verifiable and transparent progress on both fronts and, in this respect, underline the need to accelerate the development of further adequate nuclear disarmament verification capabilities;

(m) The Conference should call on IAEA, in furthering the establishment of safeguarded worldwide nuclear disarmament, to develop and conclude legally binding verification arrangements which would apply to all fissile material permanently removed from nuclear weapons programmes and to develop adequate and efficient nuclear disarmament verification capabilities which would, in

accordance with the principles of irreversibility, verification and transparency, provide the necessary confidence that such material could not in future be withdrawn or diverted for nuclear weapons purposes;

(n) The Conference should stress the need for the nuclear-weapon States to initiate or accelerate the development of legally binding verification arrangements for placing their fissile material no longer required for military purposes under IAEA safeguards and to make arrangements for the disposition of such material so that it remains permanently outside military programmes in a verifiable manner;

(o) The Conference should call upon the nuclear-weapon States to implement their nuclear disarmament commitments, both qualitative and quantitative, in a verifiable, transparent and irreversible manner that enables the States parties to regularly monitor progress, including through a detailed standard reporting format, thereby enhancing confidence and trust not only among the nuclear-weapon States but also between the nuclear-weapon States and the non-nuclear-weapon States;

(p) The Conference should urge the nuclear-weapon States to commit to report on an annual basis concrete progress concerning their implementation of steps leading to nuclear disarmament contained in the Final Document of the 2010 Review Conference;

(q) The Conference should reiterate the necessity of negotiations on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, in accordance with the statement of the Special Coordinator of the Conference on Disarmament in 1995 and the mandate contained therein, taking into consideration both nuclear disarmament and non-proliferation objectives;

(r) The Conference should agree that the entry into force of the Comprehensive Nuclear-Test-Ban Treaty is a vital element of the international nuclear disarmament and nuclear non-proliferation regime and, in that regard, call for the upholding and maintenance of the moratorium on nuclear-weapon test explosions or any other nuclear explosions pending the entry into force of the Treaty;

(s) The Conference should welcome the signing of the legally binding Protocol to the Treaty on a Nuclear-Weapon-Free Zone in Central Asia by the nuclear-weapon States in New York on 6 May 2014 and the subsequent ratification of the Protocol by France and the United Kingdom of Great Britain and Northern Ireland;

(t) The Conference should urge all relevant States parties to take all necessary measures to bring about the entry into force of the protocols to treaties establishing nuclear-weapon-free zones and the withdrawal of any related reservations or unilateral interpretative declarations that are incompatible with the object and purpose of such treaties;

(u) The Conference should encourage the establishment of additional nuclear-weapon-free zones, on the basis of arrangements freely arrived at among States of the region concerned, in order to contribute to the implementation of the Treaty on the Non-Proliferation of Nuclear Weapons;

(v) The Conference should renew support for the establishment of a Middle East zone free of nuclear weapons as well as other weapons of mass destruction, recall the endorsement by the 2010 Review Conference of practical steps in a process leading to the full implementation of the resolution on the Middle East adopted at the 1995 Review and Extension Conference and, while noting efforts undertaken to date, express serious concerns regarding the lack of implementation of those steps;

(w) The Conference should reiterate that while the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons, interim measures should be considered, including providing non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons with legally binding security assurances;

(x) The Conference should call upon the nuclear-weapon States to respect fully their existing commitments with regard to security assurances pending the conclusion of multilaterally negotiated, legally binding security assurances for all non-nuclear-weapon States parties.